



MINUTES OF THE CITY COUNCIL AND THE COUNCIL SITTING AS THE REDEVELOPMENT AGENCY

WEDNESDAY, FEBRUARY 25, 2004

The regular meeting of the City Council, also sitting as the Redevelopment Agency, was called to order by Mayor/Chairman Stettler in the Council Chambers at 68-700 Avenida Lalo Guerrero, Cathedral City, California, on February 25, 2004 at 3:00 p.m.

ROLL CALL:

Present: Council Member/RDA Board Member England, Marchand,
Mayor/Chairman Stettler.

Absent: Council Member/RDA Board Member DeRosa, Mayor Pro
Tem/RDA Board Member Pettis

Council Member/RDA Board Member Marchand moved to excuse Council Member DeRosa and Mayor Pro Tem Pettis, motion seconded by Council Member/RDA Board Member England, motion carried 3-0.

Let the record note that Council Member/RDA Board Member DeRosa arrived at 3:10 p.m. Mayor Pro Tem Pettis is out of town.

The Regular Meeting began at 6:35 p.m. and was opened by Mayor/Chairman Stettler. Council Member/RDA Board Member Marchand led the invocation, followed by The Flag Salute led by Council Member/RDA Board Member England.

CLOSED SESSION AGENDA:

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED
LITIGATION pursuant to Government Code Section 54956.9,
Subd. (b).
Number of Potential Cases: 1
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to
Government Code Section 54957.6
Agency Negotiator: Donald Bradley, City Manager

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Represented Employees: 1) Cathedral City Firefighters Association (CCFFA); 2) Cathedral City Police Officers' Association (CCPOA); and 3) Cathedral City Public Safety Management Association (CCPSMA);

3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.
Case No.: United States District Court, Central District of California Case No. EDCV 02-965
4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.
Property Location: Extreme southern end of Perez Road
APN# 687-460-019
Negotiating Parties: Redevelopment Agency and Mr. Don Steward
Property Owner: Redevelopment Agency
Under Negotiation: Disposition of Property
5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.
Property Location: 68307 East Palm Canyon Drive-Heilig Meyers Building
Negotiating Parties: Redevelopment Agency & Northwest KIA Megastores (Lessee)
Property Owners: Redevelopment Agency
Under Negotiation: Disposition of Property
6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.
Property Location: 67265 Mission Drive, Dream Homes Neighborhood
APN# 677-393-003
Negotiating Parties: Redevelopment Agency and Otto Holta
Property Owner: Redevelopment Agency
Under Negotiation: Disposition of Property/Potential Housing

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Development (9 Condominiums)

7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
pursuant to Government Code Section 54956.8.
Property Location: Date Palm Drive and Whitewater River
Wash
APN#'s 674-020-011 and 674-020-009
Negotiating Parties: Cathedral City Redevelopment Agency and
Barbara Gonzales-Lyons
Property Owner: Barbara Gonzales-Lyons
Under Negotiation: Lease agreement and acquisition of land.

8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
pursuant to Government Code Section 54956.8.
Property Location: Palm Springs Cemetery District
APN# 670-080-001
Negotiating Parties: City of Cathedral City and Palm Springs Cemetery
District
Property Owner: Palm Springs Cemetery District
Under Negotiation: Property acquisition

CLOSED SESSION ANNOUNCEMENTS:

Deputy City Attorney Green announced there were no reportable actions out of closed session.

PUBLIC COMMENTS:

Bill Cohen – Cathedral City. Mr. Cohen made a plea for more Citizens On Patrol (C.O.P.S.). He also has T-shirts for sale and he delivers, thanks to Chief Henry he now has both grey and black shirts. Mr. Cohen can be reached at 321-0148.

Greg Wetmore – Rancho Mirage. Mr. Wetmore is Cathedral City Chamber of Commerce President/CEO. He wanted to remind everyone of the Power Luncheon on Wednesday March 3rd. There will be a ribbon cutting on March 5th at Villa Resort at noon, and there will be the mixer on March 18th at Indian Joes on Perez. Most boards attend retreats, however, the new chamber board will attend an "advance" on March 11th. He had the privilege of attending the High School review.

Richard Watts – Cathedral City. Wanted to tell us that we have a new Lion's Club in Cathedral City, the new Breakfast Club Lion's who would be meeting on the 2nd and 4th Wednesdays at the Caliente Sands Mobil Home park. They invited everyone to attend, and requested that someone from City Council

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please bring and present the City's Proclamation to them at their 6:00 p.m. Dinner meeting at the Guide Dogs of the Desert. Cost of the dinner is \$17.50 and all are welcome.

Bill Proctor – Cathedral City. Wanted to know if the City had an ordinance to deal with the pan-handlers and vagrants who gather in various locations around the city?

AGENDA FINALIZATION

Mayor Stettler advised that he would like to have all Council present when we discuss the resolutions of necessity, and therefore would open the Public Hearings on Items 2. and 3., receive comments, and then have both these hearings deferred until next meeting.

COUNCIL COMMENTS

Mayor Stettler advised that he had seen the last game of the Cathedral City High School Basketball team, that while they had lost, they also had done a phenomenal job this season and he is so proud of all of them, as they set many records. He has again visited the IMAX and encouraged everyone to do so. He congratulated the city staff on receiving two major grants with regard to sewer project, one in the amount of \$2.5 million and one for over \$800,000. It was his pleasure to see the women's softball teams at Big League Dreams this past weekend. The Mayor advised that the PSUSD would be holding budget talks at the 6:30 on March 2nd and the public was encouraged to attend. He also advised that the Swim Team had a successful fundraiser at the Red Tomato.

Council Member Marchand announced that the Metropolitan Community Church has found a permanent home on Candlewood in Cathedral City. They will be holding services on the 2nd Sunday of Lent (March 7th).

Council Member England reminded everyone of the IRS Earned Income Tax program being hosted for our taxpayers who have incomes of less than \$35,000. Both at the Boys & Girls Club and at the Library where trained tax preparers will be available to assist without charge. Cathedral City residents missed out on over \$800,000 in earned income credit. Also, Palm Springs Unified School District will need to trim from 3-5 million out of their budget next year, and Mr. England encouraged everyone to attend and understand what is happening with the school districts budget.

Council Member DeRosa also advised that input was needed on the school budget and encouraged participation. She commented that the City audit was done and would be presented in the next Study Session on March 10th. The pool committee for the Cathedral City High School was still raising funds for a

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potential pool for the school. She also complimented the Friends of the Library in their efforts to obtain books to sell to help the library.

Chief Henry advised that he has set up a collaborative effort with the High School and Matt Hamilton to run the video taping of the Council Meetings now that Tustin Larson had moved on to a new job in the Parks Dept. of Coachella. Mr. Hamilton has a student with him this evening and will be bringing and training other students in the future.

MINUTES :

Council Member Marchand moved approval of the minutes of regularly scheduled City Council/RDA Board meeting held on Wednesday, February 11, 2004. Motion seconded by Council Member England, motion carried 4-0.

SCHOOL REPORTS

Both students, Martin Silva and Vivian Enriquez were absent this evening as they were traveling.

PRESENTATIONS AND PROCLAMATIONS

None

CONSENT AGENDA

Council Member/RDA Board Member Marchand moved approval of the Consent Agenda, motion seconded by Council Member/RDA Board Member DeRosa, motion carried 4-0.

1. Received and filed demands in the aggregate amount of \$4,412,418.92 by Minute Order # 3661 and Minute Order # R-981.

PUBLIC HEARINGS

2. Resolution of necessity to acquire through condemnation property identified as Assessor's parcel number 687-201-003, located at 68-780 First Street.

Public Hearing was opened and closed without Public Comments.

Council Member/RDA Board Member England moved that this item be rescheduled to the March 10th City Council meeting, motion seconded by Council Member/RDA Board Member England, motion carried 4-0 **by Minute Order # 3662 and Minute Order # R-982**

3. Resolution of necessity for acquiring and authorizing the acquisition of Assessor's parcel numbers 680-393-001, 003, 007, 008 and 680-394-001, 004 and 680-404-001, 006, 008, and 680-405-001, 002, all vacant parcels for the purpose of public parkland, general located between Moreno Road and Via De Anza.

Mayor Stettler commented that the report was very complete and then opened the floor to Public Comments.

Richard Epton – Cathedral City. Mr. Epton was representing his Grandmother and she wanted assurance that the property was going to be used for a Park. Mr. Epton was positive in his comments.

Deputy City Attorney Green gave clarification about the process and the length of time that this process took.

Pete "Z" – Real Estate Agent Cathedral City. He thinks that the appraisals are way below comparable properties

Seeing no one else wishing to speak, Public Comments were closed.

Council Member/RDA Board Member England moved that this item be rescheduled to the March 10th City Council meeting, motion seconded by Council Member/RDA Board Member England, motion carried 4-0 **by Minute Order #3663 and Minute Order # R-983.**

4. Municipal Code amendment 03-02: a request to adopt an inclusionary housing ordinance establishing procedures and requirements for the provision of affordable housing.

Council Member England moved this item be continued till March 24, 2004, motion seconded by Council Member Marchand, motion carried 4-0.

LEGISLATIVE ACTION(S)

5. Appointment of members to fill vacancies on the various City Commissions and Committees.

Mayor Stettler announced the following appointments to vacant positions:

Kendra Culbertson to the Architectural Review Committee
Laurence Higgins to the Architectural Review Committee
Edward (Ted) Barnes to the Parks and Recreation Commission

6. Approval of resolutions to initiate formation of District and to approve the preliminary Engineer's report, including setting the public hearing and authorizing the balloting for the proposed 35th Avenue Street and Sewer Assessment District (AD 2003-01).

There was a brief report given by the Deputy City Manager Julie Baumer and Scott Koppel of MuniFinancial. Mr. Koppel advised that this project would cost approximately \$7,035,000 or an average of \$14,550 per property.

There was a very positive report given by Chuck Vasquez, the 35th Avenue Neighborhood Watch and the Homeowner representative.

Council Member/RDA Board Member Marchand talked about the need for sewers and clean water, complimenting this group for their efforts on behalf of their neighborhood and community. Council Member/RDA Board Members England and DeRosa also had thanks and positive words for the the Homeowners.

Mayor Stettler opened the floor to Public Comments.

Cheryl Ferry – Cathedral City. Ms. Ferry has lived in this neighborhood for 30 years and advised that she had not been approached in last three years to see what she thought about this Improvement District. She lives in this home with her disabled son and feels she cannot afford the assessment. She wants to be a part of the process and thinks they need some traffic lights.

Robert Preiss – Cathedral City Lives on Linda Way in the North East Boundary of this area. He has some concerns, both of his own, and his neighbors – this is a second taxing, he has sewers and he has already paid for his improvements.

Chuck Vasquez (Homeowner rep) clarified the process they used in contacting neighbors.

Beatrice Marruflo – Cathedral City is not happy about the assessment, and seems to be unclear about the assessment and how much will have to be paid to the city, and the fact that you have to use your own plumber will cost the homeowner even more money.

Chris Vesse – Cathedral City. He wants the improvements made, get rid of septic tanks, he already has a sewer but is willing to share in the costs to improve his neighborhood.

Patricia Pennypacker – Cathedral City. Wants to know why they are being assessed at all?

Kris Schultze, NAI Consulting. Mr. Schultze spoke to the subject with regard to Victoria Avenue, and advised that the people who already had sewers were not being assessed for sewers, but there were assessments for the streets, curbs, sidewalks; that their assessments were lower, but were because they would be benefiting from improvements other than sewers.

The Mayor and Members of Council were very positive about this project and assured those in the area who needed assistance because of these improvements were welcome to come and visit Mr. Warren Bradshaw, our housing director. There are programs in place to help low income residents.

Patty Bouffa – Cathedral City and Co-Chair of the 35th Neighborhood Watch gave input on the condition of the streets, streets that are over 40 years old. The children can't walk anywhere but in the streets.

Council Member England moved adoption of Cathedral City Council **Resolution No. 2004-9**, a resolution of intention to make acquisitions and improvements; and moved adoption of Cathedral City Council **Resolution No. 2004-10**, approving Engineer's report and directing actions with respect thereto. Motion carried 4-0.

7. Re-affirm the 2003 adoption of the Safe and Sane Fireworks Ordinance as originally proposed with the addition of two new lottery spaces.

Fire Chief Sowles gave a Power Point presentation about Safe and Sane Fireworks. There was a lengthy discussion as to how we need to approach this ordinance in its second year. Originally we grandfathered four organizations into the Ordinance, each of whom receives some funding from the City and each of whom had their city funding reduced. These were the Cathedral City Senior Center, Chamber of Commerce, Boys and Girls Club, and the Cathedral City Boxing Club. In addition we had a lottery for two more organizations. Each organization had to be a valid 501(c)3 organization. That lottery allocated spaces to the Calvary Christian Church and the Cathedral City High School Booster Club. The discussion was how the City could be fair to all organizations, who would be grandfathered in, if any, and how many more lottery positions could be allowed in this year. The profits ranged between \$21,000 and \$53,000.

Council Member England was approached by the High School principal who is concerned about their need to cut the budget, saying they would like to be grandfathered into the Fireworks Sales so that other booster

clubs could participate, and they could plan on generating funds for their groups. Council Member England asked Chief Sowles if the other participant, Calvary Christian School, has been asked if they wanted to be grandfathered in this year, and the Chief responded yes, all who had been participants had been asked and all had wanted to come back this year.

Council Member Marchand explained his concerns about being fair and meeting criteria for any Constitutional tests that may be required of us.

Mayor Stettler opened the floor to Public Comments.

Carl Smith – Vice Principal of Calvary Christian School. Mr. Smith read a Letter into the record from the Principal of his school that requested Calvary Christian School be considered for grandfathering into Safe and Sane Fireworks program. All the money we raised went for education.

Greg Wetmore – Cathedral City Chamber of Commerce. Believes we Should live within the spirit of the Ordinance and leave it the way it was last year, requiring the lottery slots to reapply this year. He doesn't feel that increasing the number of booths would be a good idea. He thinks the four grandfathered groups plus two lotteries is the way the ordinance reads and it should be kept this way for this year.

Bill Proctor – Cathedral City. Mr. Proctor thinks we should keep the lottery as it was last year. He says there are all kinds of schools, in fact his wife is a school teacher, and he thinks we have to be fair.

Mark Gastman from TNT Fireworks in Fullerton, California. Mr. Gastman gave some input into how the Fireworks were done in other cities.

Rick Sherwood – Cathedral City High School Booster Club. He clarified that last year the Fireworks were run by the General Booster Club and all of the sports teams were participants. The money was allocated to the General Booster Club and not to a specific athletic group.

Gene Touchet – Cathedral City. As a board member of the Senior Center, they are most appreciative of the opportunity to participate in the Fireworks sales.

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

After additional discussion Council Member England moved that we Grandfather both the groups, the Booster Clubs and Calvary Christian, Into the Ordinance and that we bring it back for both a first and second reading, motion seconded by Council Member DeRosa. Council Member

Marchand was having difficulty with this issue and feels he is a minority of one. Mayor Stettler offered an amendment that would include all participants from last year, with a lottery for two new organizations. Both Council Members agreed to the amendment. This was acceptable to Council Member Marchand. Motion carried by 4-0 **by Minute Order # 3666.**

8. Authorize the City Manager to enter into an agreement with MuniFinancial to conduct a comprehensive user fee study and to prepare a report on recommended fees for services.

Public Comments were opened and closed without comment.

Council Member DeRosa moved approval, motion seconded by Council Member England, motion carried 4-0 **by Minute Order #3667.**

9. Proposed Ordinance amending the Cathedral City Municipal Code provisions pertaining to the disposition of impounded animals in order to comply with state law.

Public Comments were opened and closed without comment.

Council Member Marchand moved to waive further reading and introduce the Ordinance, motion seconded by Council Member England, motion carried 4-0 **by Minute Order # 3668.**

10. Audio-Visual System upgrades and repair project.

There was a brief report given by Police Chief Henry. Several questions were answered.

Public Comments were opened and closed without comment.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried 4-0 **by Minute Order # 3669.**

COUNCIL REPORTS ON CITIZEN INQUIRIES AND CONCERNS.

Council Member DeRosa advised that she had received an inquiry from someone on Judy Lane about a parcel that faces Dinah Shore – were the grass has died. They wanted to know if we could take out the grass and replace it with something like Palm Springs Gold.

Also has heard from someone in Rio Vista encouraging a City Wide Clean Up

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day, and she responded that we did have City Wide Clean Up days and that Waste Management would pick up large items left at curb.

The City now has a Code Enforcement Hot Line 770-8286 where you can leave a complaint, however, you must leave a name and phone number or your complaint will not be responded to.

ADJOURNMENT

Hearing no one else wishing to speak, Mayor Stettler adjourned the meeting at 9:10 p.m., in memory of the United States and Coalition forces who have lost their lives in Iraq and Afghanistan.

Pat Hammers, City Clerk